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JUDGE BRODERICK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

17 CV 4849

Ahmed M. Elgalad

Write the full name of each plaintiff.

-against-

New York City Department of Education, Michelle

Rochon, Principal; Kabeya Mbuyi, Assistant

Principal; Hilaire Livingston, Assistant Principal

Write the full name of each defendant. The names listed
above must be identical to those contained in Section I.

CV

(Include case number if one has been
assigned)

Do you want a jury trial?

☒ Yes ☐ No

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

FILED
U.S. DISTRICT COURT
S.D. OF N.Y.
2017 JUN 27 PM 3:43

I. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Ahmed	M.	Elgalad
First Name	Middle Initial	Last Name
530 Hughes Street		
Street Address		
Bergen, Northvale	NJ	07647
County, City	State	Zip Code
201 741 0327	galadmass@verizon.net	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	New York City Department of Education		
	Name		
	52 Chambers Street		
	Address where defendant may be served		
	New York	NY	10004
	County, City	State	Zip Code
Defendant 2:	Michelle Rochon, Principal, HS for Global Citizenship		
	Name		
	883 Classon Avenue, 3rd Floor		
	Address where defendant may be served		
	Kings, Brooklyn	NY	11225
	County, City	State	Zip Code

Defendant 3:

Kabeya Mbuyi, Assistant Principal; Hilaire Livingston, ATR Assigned Principal

Name

883 Classon Avenue, 3rd Floor

Address where defendant may be served

Kings, Brooklyn

NY

11225

County, City

State

Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:
The High School of Global Citizenship

Name

883 Classon Avenue, 3rd floor

Address

Kings, Brooklyn

NY

11225

County, City

State

Zip Code

III. CAUSE OF ACTION

A. Federal Claims

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

☒ race:

white

☒ color:

white

☒ religion:

Muslim

☐ sex:

☒ national origin:

Egyptian

- ☒ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: white

- ☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: _____

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: _____

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law):

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☐ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☒ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☐ other (specify):

tried to terminate my employment with false 3020-a disciplinary charges; also denied me pay for 5 minutes per day or 25 minutes per week or 15 hours per year for last 6 years at school for working extra time over contractual workday for approx. \$3600 per session

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.
See attached addendum

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? November 18, 2016

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? May 1, 2017

When did you receive the Notice? May 4, 2017

☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

compensatory damages for hostile work environment; restore lost coverage and

summer opportunities; restore permanent position back in NYCDOE and not ATR;


emotional distress damages

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>6/21/17</u>		
Dated		Plaintiff's Signature
<u>Ahmed</u>	<u>M.</u>	<u>Elgalad</u>
First Name	Middle Initial	Last Name
<u>530 Hughes Street</u>		
Street Address		
<u>Bergen, Northvale</u>	<u>NJ</u>	<u>07647</u>
County, City	State	Zip Code
<u>2017410327</u>	<u>galadmass@verizon.net</u>	
Telephone Number	Email Address (if available)	

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Addendum to Federal Complaint for Ahmed M. Elgalad

1. I have taught with the New York City Department for Education (NYCDOE) as a high school physical education teacher for 12 years.
2. I have taught at the High School for Global Citizenship with the NYCDOE in Brooklyn, New York, since September 2010 under Principal Michelle Rochon. Principal Rochon is of black race/color.
3. I have received Satisfactory or Effective end of year ratings every year until the 2014-15 school year, with several highly effective categories on the individual observations.
4. I am of Egyptian national origin, white color, and of the Muslim religion.
5. In September 2013, Assistant Principal Kabeya Mbuyi became assistant principal of the school. He also is of black color and African American national origin.
6. On or March 6, 2014, I had a verbal disagreement with another teacher Ms. Chance, who is black. When discussing this disagreement with Mr. Mbuyi at a subsequent disciplinary conference in the presence of my UFT representative Jeremy Bucaria, Mr. Mbuyi brought up my religion and my color and stated that as a Muslim and white, I feel like I am superior to him and Ms. Chance. Specifically, Mr. Mbuyi stated to me "your religion considers everyone unclean and you are the only one that is clean" and then stated "if it's not about religion, it will be black and white."
7. After I objected to Mr. Mbuyi's improper comments about me to the school principal Ms. Rochon on October 27, 2014, Mr. Mbuyi started to retaliate against me with disciplinary letters and lower ratings on my observations.
8. Based on this continuing harassment, I decided to file a complaint with the NYCDOE's Office of Equal Employment (OEO) in December 2014 against Mr. Mbuyi.
9. After I filed that complaint with the DOE's OEO office, the school administration, including Mr. Mbuyi and the school principal Ms. Rochon and ATR Assigned Principal Hilaire Livingston, intensified their scrutiny of me by giving me very poor evaluations. Mr. Livingston specifically gave me an ineffective observation on October 16, 2015. Mr. Hilaire started work in the school year 2015-16.
10. The school administration even brought me up on Section 3020-a termination charges at the end of the 2015-16 school year seeking to terminate my employment. These false charges led to a \$1,000 fine against me and placing me in the ATR pool in November 2016. In the 2014-15

school year, the principal also sent me to a medical fitness for duty examination trying to declare me unfit mentally and physically, which was not successful as I was promptly found fit by NYCDOE doctors.

11. The administration also gave me a lower Developing overall rating for the 2015-16 school year.
12. The other physical education teacher at the school, Mr. Steve Nathan, is of black color and was treated better than me by the school administration by being given my schedule even though I had more seniority, and was given a higher performance rating than me.
13. I am clearly being targeted and discriminated against based on my religion, race, and color, by Mr. Mbuyi, and being retaliated against based on my prior discrimination and retaliation complaints to OEO and school administration.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Ahmed M. Elgalad**
530 Hughes Street
Northvale, NJ 07647

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2017-00756

Holly M. Woodyard,
State & Local Program Manager

(212) 336-3643**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

Charging Party wishes to pursue matter in Federal District Court.

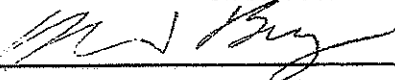
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


May 1, 2017

Enclosures(s)

Kevin J. Berry,
District Director

(Date Mailed)

cc:

CITY OF NEW YORK, DEPARTMENT OF EDU
Attn: Ellen Kanner, Attorney
52 Chambers St., Rm. 308
New York, NY 10007

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